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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16 WINSTON SMITH; JANE DOE I; and JANE
DOE II, on behalf of themselves and all others
17 similarly situated,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.; AMERICAN CANCER
SOCIETY, INC.; AMERICAN SOCIETY OF
21 CLINICAL ONCOLOGY, INC.;
MELANOMA RESEARCH FOUNDATION;
22 ADVENTIST HEALTH SYSTEM; BJC
HEALTHCARE; CLEVELAND CLINIC; and
23 UNIVERSITY OF TEXAS - MD
ANDERSON CANCER CENTER,

24 Defendants.

CASE NO. 5:16-cv-01282-EJD

**DECLARATION OF NICOLE RAMIREZ
IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO
ADVANCE THE HEARING DATE OF
PLAINTIFFS' MOTION FOR
INJUNCTIVE RELIEF TO THE SAME
DATE AS THE CURRENTLY
SCHEDULED INITIAL CASE
MANAGEMENT CONFERENCE**

N.D. Cal. L.R. 7-11

Next Hearing Date: December 15, 2016

Judge: The Honorable Edward J. Davila

DECLARATION OF NICOLE RAMIREZ

I, Nicole Ramirez, hereby declare as follows:

1. I am an attorney at law licensed to practice before all courts of the State of California. I am an associate with Kiesel Law LLP, counsel for Plaintiffs in this action. If called as a witness I could and would competently testify to the following:

2. At the time of filing the Plaintiffs' Motion for Injunctive Relief, the Court's first available hearing date was April 13, 2017.

3. Plaintiffs' counsel conferred with health care Defendants regarding the April 13, 2017 hearing date, but also informed them that Plaintiffs intended to move the Court for an order advancing the hearing date due to the urgent nature of the Motion, albeit to sometime after November because of Plaintiffs' expert's unavailability in November.

4. On November 17, 2016, I sent an email to health care Defendants' counsel notifying them that Plaintiffs intended to move the Court to advance the hearing date of Plaintiffs' motion for injunctive relief to December 15, 2016, and to modify the briefing schedule to require health care Defendants' opposition or response by December 1, 2016, and Plaintiffs' reply by December 8, 2016.

5. On November 18, 2016, health care Defendants notified me by email that they were not amenable to advancing the hearing date or modifying the briefing schedule for Plaintiffs' motion for injunctive relief.

6. As a result, Plaintiffs were unable to obtain a stipulation advancing the hearing date and modifying the briefing schedule and therefore seek an order from the Court in that regard.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed November 18, 2016, at Beverly Hills, California.

/s/ Nicole Ramirez
Nicole Ramirez